

### Remarks

Claims 44-64 and 66-68 are cancelled without prejudice or disclaimer. New claims 69 to 94 are introduced in lieu thereof. Applicants wish to thank the Examiner for the care taken in acting on this application.

### Claim Rejections - 35 U.S.C. § 112

Applicants respectfully traverse the Examiner's rejection under 35 U.S.C. § 112, ¶ 2. New claims 69-94 were not rejected under 35 U.S.C § 112.

However, claims 73 and 74 are substantially the same claims as claims 66-68 which were rejected under 35 U.S.C § 112.

The Examiner considered claim 66 confusing (corresponding to new claim 73). New claim 73 corresponds to one embodiment of the present invention whereas claim 72 corresponds to another embodiment of the present invention.

Claim 72 corresponding to previous claim 44 is not rejected by the Examiner.

Claim 73 is claiming a method wherein the control is different from the control of claim 72. The control as claimed in claim 73 corresponds to the result of the capacity of inhibition of LPL as obtained by performing the method according to claim 70, wherein instead of placing the substrate in contact with a substance which is potentially active in the field of lipolysis, the substrate is placed in contact with a substance which is a known inhibitor in the field of lipolysis. The control which is the result of the capacity of inhibition of LPL activity is obtained in the absence of the potentially active substance which is tested and in the presence of a known inhibitor to be active in the field of lipolysis. In order to render clear the understanding of the method for obtaining the control value in the presence of a known inhibitor in the field of lipolysis and in the absence of the potentially active substance, this method is clearly detailed in new claim 73.

The Applicant considers new claim 73 complete.

When the activity in the presence of unknown U, is less than the activity in the presence of the known K,  $U < K$ , one does not know if the substance is potentially active in the field of lipolysis, only that it is not as good as the known K.

However, there is no need for industrial needs to obtain the comparison to the absence of the tested substance as required by new claim 72 (corresponding to previous claim 44).

In claim 73, the Applicant aims to screen only very good compounds in the field of lipolysis which allow to inhibit LPL in a manner higher than a known inhibitor in the field of lipolysis. By claiming such a comparison both to a control and to a known inhibitor, the Applicant wants only to know if the tested compounds are better or not than a known inhibitor in the field of lipolysis.

Applicants respectfully urge the patentability of new claims 69-94.

#### Claim Rejections – 35 USC § 103

Applicants respectfully traverse the Examiners rejection under 35 USC § 103. The Examiner has asserted that, the number of references cited is a reflection that LPL is known to be inhibited by a number of compounds and Cook et al. US 5,855,917, or Wagle et al. US 6,326,396, Takahashi et al. US 5,955,072, Vainio et al. (1982), Cheng et al. (1990), Carroll et al. (1992), and Bensadoun et al. (1974) were cited for that purpose. Takeda et al. US 5,244,798, also disclosed inhibitors of LPL as well as the instant assay procedure.

In addition, the Examiner has asserted that it is known in the art (from Wako and Kikuchi et al.) that NEFA-C Kit is commercially available method for FFA assay to determine the amount of FFA in a blood or serum sample.

New claim 69 is presented which is focused to the claimed invention.

Previously, no one in the art had the idea to screen compounds active in the field of lipolysis inhibiting LPL for the purpose of providing slimming activity (new claim 69), for diminishing or slowing down the fatty deposits (new claim 92), for increasing blood microcirculation (new 93), or for improving the appearance of the skin or diminishing the "ugly orange peel" appearance (new claim 94).

Cook et al. US 5,855,917 aims to provide inhibitors of LPL in the field of reduction of fat accumulation which are oral administrated compounds (example 4, where pigs are fed, column 4, line 36 and column 5, lines 12-20).

The present invention claims a method of screening compounds active in the field of lipolysis.

According to the German Examiner's objective opinion, the present invention is novel and inventive over the prior art. The patent application in Germany is now in condition for allowance as shown by the German Office Action which is enclosed with its English translation.

Two new documents were cited in this German Office Action : US 4,218,433 and WO98/24422 (corresponding to US 5,855,915 of Cook et al.).

Theses documents are considered to be irrelevant by the German Examiner and the Applicant.

Nobody in the art had the idea to screen compounds which are active in the field of lipolysis.

Example 3 of Cook et al. only illustrates that conjugated fatty acids are inhibitors of LPL (like eicosadienoic acid).

There is no suggestion to a skilled person in the art to provide a screening method for compounds which inhibit LPL to identify a compound active in the field of lipolysis which can be used for its slimming activity, for diminishing or slowing down the fatty deposits, for increasing blood microcirculation, or for improving the appearance of the skin or diminishing the ugly orange peel appearance.

Favorable reconsideration is respectfully requested in light of the amendments and remarks submitted here below.

Takeda et al. discloses that "one object of this invention is to provide a LPL having excellent thermostability and high glycerol formation activity" (column 2, lines 9-13 and 45-48) and a method for quantitative determination of triglycerides in body fluids (column 2, lines 36-39).

Please note that the German patent examination procedure is based on a ground examination of patentability criteria and is of high quality as does the European patent examination procedure.

Thus, this objective opinion helps the Applicants to obtain a favorable reconsideration of the US patent application.

Thus Takeda et al. does not suggest to a skilled person in the art to identify compounds which can be used for their slimming activity, for diminishing or slowing down the fatty deposits, for increasing in body blood microcirculation, or for improving the appearance of the skin or diminishing the "ugly orange peel" appearance. Takeda et al. is irrelevant to the claimed invention.

Vaino et al. is a scientific study of inhibition of LPL by benzene boronic acid. Therefore Vaino et al. does not suggest to a skilled person in the art to screen compounds activity in the field of lipolysis. Vainio et al. does not teach to achieve the present invention as claimed.

Wagle et al. relates to a method of reducing hyperlipidemia and hyperglycemia (column 1, lines 8-10). This US patent application relates to abnormal circulating analytes (column 1, line 39). This patent application discloses column 2, lines 37 to 58 that non-esterified fatty acids play a role in hyperlipidemic state and that elevated free fatty acids arise from either the excess body burden of adipose tissue in the obese state or from uncontrolled breakdown of triglycerides in adipose tissue. The last paragraph of claim 2 clearly shows that the invention of Wagle et al. is to find agents that inhibit adipose tissue breakdown of triglycerides for lowering circulating lipids to treat hyperlipidemic disorders. It is clearly shown by columns 11-13, in particular column 11, lines 56-60 and column 12, lines 45-50 that the compounds of the invention inhibit the activity of hormone-sensitive lipase (HSL). Examples 4-6 clearly show this presumption.

Example 8 clearly shows that the compounds of Wagle et al. which inhibit HSL fail to significantly inhibit the activity of LPL and hepatic lipase. Thus this result clearly shows that Wagle et al. does not suggest to a skilled person in the art to screen compounds in the field of lipolysis inhibiting LPL which can be used for their slimming activity, for diminishing or slowing down the fatty deposits, for increasing blood microcirculation, or for improving the appearance of the skin or diminishing the "ugly orange peel" appearance.

There is no suggestion in NEFA-C kit from Wako or in Kikuchi et al. (US 4,301,244) to use this kit in a method of screening compounds in the field of lipolysis.

As it is clearly stated by the arguments presented above, the present invention is new and unobvious for a skilled person in the art.

The Applicants respectfully solicit the Examiner to favorable reconsider this patent application in view of new claims 69-94.


**Conclusion**

In view of the amendments and comments presented herein, favorable reconsideration in the form of a Notice of Allowance is respectfully requested in view of claims 69 to 94.

Respectfully submitted,  
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German Office Action of July 7, 2004 + English translation  
Cited documents US 4,218,443, WO9824422

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